

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KENNETH TULLEY,

Plaintiff,

v.

UNITED STATES OF AMERICA and U.S.  
PROTECT CORPORATION,

Defendants.

Case No. 09-05128 RBL

JOINT STIPULATION AND  
PROPOSED ORDER REGARDING  
RELEASE OF INFORMATION

**Noted for consideration on motion  
calendar: August 13, 2009.**

**JOINT STIPULATION**

The parties hereby STIPULATE AND AGREE to the following terms and conditions concerning the release of an unredacted copy of the McChord Air Force Base accident report regarding the March 11, 2007, accident, attached hereto as Exhibit A (sealed), which forms the basis of this lawsuit:

(1) Notwithstanding any other provision of the Privacy Act, 5 U.S.C. § 552a, *et seq.*, the Department of Defense (DOD), its officers, agents, employees and representatives are hereby authorized under 5 U.S.C. § 552a(b)(11) to release any and all information contained in any system of records maintained by the DOD, or any of its components, which may be described as “the McChord Air Force Base accident report of the March 11, 2007 accident involving the barriers at the Barnes Gate.” *See* Accident Report, attached hereto as Exhibit A (submitted under seal for *in camera* review).

(2) The DOD, its officers, agents, employees and representatives are hereby relieved of any obligation under 5 U.S.C. § 552a(c) to make or keep any accounting of any disclosure, as referenced above, or under 5 U.S.C. § 552a(e)(8), to provide notice of any disclosure to any individual, made under the authority of this order.

DATED this 13th day of August, 2009

SKELLENGER BENDER, PS

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Attorneys for the United States of America

**ORDER**

The parties having so stipulated and agreed, it is hereby **SO ORDERED**. The Clerk is directed to send copies of this Order to all counsel of record.

DATED this 14<sup>th</sup> day of August, 2009.

  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE